

3 FAH-1 H-2430 COMMISSIONS, TITLES, AND RANK

*(CT:POH-125; 03-02-2007)
(Office of Origin: L/EMP and HR/CDA)*

3 FAH-1 H-2431 GENERAL

3 FAH-1 H-2431.1 Purpose

*(CT:POH-120; 10-20-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)*

When authorized by law, diplomatic and/or consular titles are granted in the interest of the U.S. Government to enable individuals assigned to Foreign Service posts or to special details, regardless of the departments or agencies they represent, to perform their duties effectively, and to ensure the efficient performance of the functions of the diplomatic missions or consular offices of the United States of America.

3 FAH-1 H-2431.2 Official Need as a Basis for Grant and Use of Titles

*(CT:POH-120; 10-20-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)*

- a. The class of a member of the Service (Foreign Service employees of the foreign affairs agencies and Civil Service employees of non-foreign affairs agencies abroad) is an important factor in determining functional or organizational assignment. The member's functional or organizational assignment, in turn, is the key factor in determining whether that member requires a diplomatic or consular title in that assignment to discharge official duties in an effective and efficient manner. Thus the official work related needs of the member and of the Foreign Service post will normally be the basic factors in deciding whether a diplomatic or consular title will be granted and authorized for use at the post. Titles will not be granted or authorized for the personal, social, or financial benefit

of personnel in the Foreign Service except as defined in 3 FAH-1 H-2438. There must normally be a work-related need for the title.

- b. The fact that a member of the Service possesses a commissioned diplomatic and/or consular appointment commission does not by virtue of such possession mean a diplomatic title will be authorized at a post abroad. The member may use a diplomatic and/or consular title only when so authorized by the U.S. Department of State (Department).
- c. The possession of a diplomatic passport will not be justification for requesting or receiving a diplomatic and/or a consular title.
- d. Diplomatic titles will not be authorized for individuals who are not in the Foreign Service (Foreign Service employees of the foreign affairs agencies) or for Civil Service employees of non-foreign affairs agencies abroad) in order to establish their eligibility for the issuance of diplomatic passports.
- e. Diplomatic titles will not be authorized for Foreign Service employees of the foreign affairs agencies or for Civil Service employees of non-foreign affairs agencies abroad when they are serving in a temporary capacity of less than 90 days.
- f. Diplomatic and/or consular titles are authorized for members of the Service and officers not in the Foreign Service, to use only in the position for which approved at the post of assignment, and will not be retained upon transfer from the position and the post. A diplomatic and/or a consular title must be authorized each time a member is assigned to an embassy or a consular post, or reassigned at post. The only exception to this is for those who have served as Ambassadors, appointed by the President, by and with the advice and consent of the Senate. Upon retirement, a former Ambassador may continue to use the title of Ambassador in appropriate interactions with others and may be referred to as Ambassador in informal communications, conversations, and introductions to public audiences. (See 3 FAH-1 H-2439 for use of Ambassadorial title upon retirement.)
- g. The fact that a member of the Service or officer not in the Foreign Service had a diplomatic and/or a consular title at a previous post will not be justification for requesting or receiving a diplomatic and/or a consular title for subsequent assignments.
- h. The personal class (rank) designations of career minister, minister-counselor, counselor for career members of the Senior Foreign Service, and first secretary for classes 1 and 2 commissioned Foreign Service officers, are the same as diplomatic titles commonly used, and should not

be confused with the diplomatic title which the Department authorizes them to use. An officer may use only the diplomatic title specifically authorized by the Department in the position for which it has been approved at the post of assignment, and should not use any other title on calling cards, invitations, correspondence, diplomatic lists, or any other way which would suggest they have been authorized to use their personal class (rank) designations.

3 FAH-1 H-2431.3 Functional and Organizational Titles

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Functional titles (for example, military liaison officer, employee relations officer) and organizational titles (for example, chief of political section, chief of personnel unit) may be established by the post and used locally. Such functional and organizational titles shall not include words such as Attaché, Secretary, or Consul that may be confused with either commissioned or noncommissioned diplomatic titles, commissioned consular titles, or with occupational titles, personal ranks, classes, or grades.

3 FAH-1 H-2431.4 Titles With Adjectives or Descriptive Phrases

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Modifying adjectives or phrases denoting a field of specialization may be used with a commissioned or noncommissioned diplomatic title when the Department determines that the modifying adjective or phrase provides a more useful title that is internationally recognized (such as, agricultural attaché, civil air attaché, commercial attaché, labor attaché). The post will make recommendations to the Department.

3 FAH-1 H-2431.5 Certificate for Deputy Assistant Secretary Appointment

(CT:POH-125; 03-02-2007)

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service employees and Civil Service employees of non-
foreign affairs agencies abroad)*

- a. An official assigned to a deputy assistant secretary position may receive a certificate that records the assignment. The Office of Multi-Media Services (A/*ISS*/MMS) prepares certificates based on requests from bureau executive directors. The Office of the Director General/Director of Human Resources should clear each request.
- b. To obtain certificates, the bureau executive office should send a memorandum addressed to A/*ISS*/MMS through M/DGHR, subject: "Certificate for Deputy Assistant Secretary". Attach a completed Form DS-1141, Project Request, to the memorandum.
- c. The certificate should include the entry on duty date (month, day, and year). The name of the deputy assistant secretary, as it will appear on the certificate, should be cleared by the requesting office.

3 FAH-1 H-2432 COMMISSIONED TITLES

3 FAH-1 H-2432.1 Types of Appointment Commissions and Assignment Commissions

3 FAH-1 H-2432.1-1 By the President, by and with the advice and consent of the Senate

(CT:POH-120; 10-20-2005)

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service employees and Civil Service employees of non-
foreign affairs agencies abroad)*

In the Foreign Service, appointment and assignment commissions may be granted by the President, by and with the advice and consent of the Senate for the following:

- (1) Ambassador Extraordinary and Plenipotentiary;
- (2) Envoy Extraordinary and Minister Plenipotentiary;
- (3) Personal Rank of Career Ambassador;
- (4) Ambassador at Large;

- (5) Career Member of the Senior Foreign Service (of the class of Career Minister, Minister-Counselor, or Counselor);
- (6) Foreign Service Officer;
- (7) Secretary in the Diplomatic Service; and
- (8) Consular Officer of the United States of America.

NOTE: In the context of an appointment commission as a Career Member of the Senior Foreign Service, the words Career Minister, Minister-Counselor, and Counselor are used to describe, in descending order, the permanent class or level of the appointee, not necessarily the specific diplomatic title assigned to the appointee at a particular post.

3 FAH-1 H-2432.1-2 By the President (without Senate confirmation)

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/ BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

In the Foreign Service, appointment and assignment commissions may be granted by the President (without Senate confirmation) for the following:

- (1) Charge d'Affaires; and
- (2) Personal rank of ambassador/minister on a temporary special mission not to exceed six months.

(The Secretary of State, or designee, may appoint a Charge d'Affaires, but the documentation is not a commission, but a letter of credence to the Foreign Office.)

3 FAH-1 H-2432.1-3 By the President (subsequent to appointment as consular officer)

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

In the Foreign Service, appointment and assignment commissions may be granted by the President (subsequent to appointment as consular officer) for the following:

- (1) Consul General;
- (2) Consul; and
- (3) Vice Consul.

3 FAH-1 H-2432.1-4 By the Secretary of State

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

In the Foreign Service, appointment and assignment commissions may be granted by the Secretary of State for the following:

- (1) Vice Consul (under section 312 of the Foreign Service Act of 1980, as amended); and
- (2) Consular agent (under section 303 of the Foreign Service Act of 1980, as amended).

3 FAH-1 H-2432.2 Consular Appointment and Assignment Commissions

3 FAH-1 H-2432.2-1 Consular Appointment Commissions

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Members of the Service of class 6 and above may be recommended for appointment as Consular Officers of the United States of America (hereafter referred to as Consular Officer(s) of the USA). Such appointments are made by the President, by and with the advice and consent of the Senate, and evidenced by an appointment commission. Such appointments continue in force at the pleasure of the President, unless specifically resigned by the member. (Appointment as a Consular Officer of the USA should not be confused with the functional title of consular officer or with the assignment commission as a consul general, consul, or vice consul). Under exceptional circumstances, and to meet urgent needs of the Service, members of rank lower than class 6 may be recommended for appointment as Consular Officer of the USA and granted a title for the duration of the assignment for which selected.

3 FAH-1 H-2432.2-2 Consular Assignment Commissions

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Members of the Service with appointment commissions as Consular Officers of the United States of America who are assigned abroad to a consular post or to a diplomatic mission where they are to perform consular functions receive from the President and/or the Secretary of State, when required by the host government, consular assignment commissions as consul general, consul, or vice consul at a specific post. (In most countries, however, this notification and recognition of a consular officer is accomplished by an exchange of diplomatic notes between the Embassy and the foreign office and no separate assignment commission is required.) Consular assignment commissions lapse upon the member's reassignment. When a member is temporarily detailed from post of assignment, the consular assignment commission does not lapse until that member is transferred to a new post. Those members whose assignments abroad do not involve consular activities will not normally be given a consular title and, consequently, they do not have authority to perform those consular functions which require consular recognition by the receiving government or which are recognized by domestic law of the states in the United States.

3 FAH-1 H-2433 NONCOMMISSIONED TITLES

3 FAH-1 H-2433.1 Titles Which May Be Granted

3 FAH-1 H-2433.1-1 By the President (Under section 302(a)(2)(B) of the Foreign Service Act)

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. Noncommissioned titles may be granted as follows for a period not to exceed six months:
 - (1) Personal rank of ambassador; and
 - (2) Personal rank of minister.

3 FAH-1 H-2433.1-2 By the Secretary of State

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Noncommissioned titles may be granted as follows:

- (1) Attaché;
- (2) Assistant attaché;
- (3) Vice consul; and
- (4) Acting consular agent (see 3 FAM 8000).

3 FAH-1 H-2433.1-3 Use With a Commissioned Title

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

When authorized by the Department, noncommissioned diplomatic titles may be used simultaneously with commissioned consular titles and noncommissioned diplomatic titles may be used simultaneously with commissioned diplomatic titles.

3 FAH-1 H-2434 CRITERIA FOR AMBASSADORIAL, MINISTERIAL, AND COUNSELOR TITLES

3 FAH-1 H-2434.1 Ambassador

3 FAH-1 H-2434.1-1 Personal Rank of Career Ambassador

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Under section 302(a)(2)(A) of the Act, the President may, by and with the

advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period. Such member may use the title of ambassador of the United States, except when that member is serving in a position in which the use of the title of ambassador would not serve the best interests of the United States; then that member shall use such other title as may be authorized.

3 FAH-1 H-2434.1-2 Personal Rank of Ambassador or Personal Rank of Minister

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. Under section 302(a)(2)(B) of the Act, the President may confer the personal rank of ambassador or personal rank of minister on a member of the Service or other individual in connection with a special mission of the President of a temporary nature not exceeding 6 months in duration. Such personal rank may be conferred only if, before such conferral, the President transmits to the Committee on Foreign Relations of the Senate a written report setting forth:
 - (1) The necessity for conferring such rank;
 - (2) The dates during which such rank will be held;
 - (3) The justification for not submitting the proposed conferral of personal rank to the Senate as a nomination for advice and consent to appointment; and
 - (4) All relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have with respect to the special mission.
- b. Such report shall be transmitted not less than 30 days before conferral of the personal rank of ambassador or minister except in cases where it is certified in the President's report that urgent circumstances require the immediate conferral of such rank. The title will terminate upon completion of the mission, but in all cases at the end of the 6 months' legal limitation.

3 FAH-1 H-2434.2 Minister-Counselor

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. "Minister-Counselor" is a diplomatic title higher than that of counselor, but subordinate to that held by a chief of mission. The diplomatic title of minister-counselor may be granted only to members who have received an appointment commission as a Secretary in the Diplomatic Service of the United States of America.
- b. The title of minister-counselor will not be conferred when a member is serving in a position to which the member has not been assigned.
- c. The title of minister-counselor is conferred on a member only for use in the position to which it pertains. The member will lose the title upon termination of assignment to the position.
- d. The title of minister-counselor will be conferred on members who hold appointment commissions as Secretaries in the Diplomatic Service of the United States of America and are assigned as deputy chiefs of missions at pay level FA-13 missions.
- e. The title of minister-counselor may be conferred on members who hold appointment commissions as Secretaries in the Diplomatic Service of the United States of America and who are assigned to such other positions as may be approved on an exceptional basis by the Director General of the Foreign Service and Director of Human Resources , or the appropriate Deputy Assistant Secretary for Human Resources .

3 FAH-1 H-2434.3 Counselor

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. The title of counselor will be granted to those members who have appointment commissions as a Secretary in the Diplomatic Service of the United States of America and have been assigned as follows:
 - (1) Deputy chief of mission (DCM) at pay level FA-14 missions; and
 - (2) Chiefs of sections at all missions (section consists of at least three direct-hire Americans), regardless of the position level, if the rank of the member is of class 1 or above. If a class 2 officer is assigned

to a chief of section position, his/her listing on the diplomatic list should be reflected as first secretary – head of (pertinent) section.

- b. The title of counselor may be conferred, in rare and exceptional circumstances, by the Director General of the Foreign Service and Director of Human Resources or the appropriate Deputy Assistant Secretary for Human Resources on other members of class 1 or above who have appointment commissions as a Secretary in the Diplomatic Service of the U.S.A. and who are assigned to a position at any mission where the lack of such title would constitute a major impairment to the effective performance of the member's duties or the function of the mission. The title of counselor will not be conferred when a member is serving in a position to which the member has not been assigned.
- c. The fact that a member held a counselor title at a previous post is not justification for receiving the title for subsequent assignments. A member is authorized to use a counselor title only in the position for which it has been approved at the post of assignment. The member does not retain the title upon transfer from the position and the post of assignment.

3 FAH-1 H-2435 CRITERIA FOR OTHER TITLES IN ORGANIZATIONAL OR FUNCTIONAL POSITIONS

3 FAH-1 H-2435.1 Titles in Organizational Positions

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

A member of the Service who has not received the title of ambassador or minister, or who has not been commissioned as a Career Member of the Senior Foreign Service of the classes of Career Minister, Minister-Counselor, or Counselor, may, subject to 3 FAH-1 H-2434, be deemed to require a diplomatic or consular title, or both, as may be appropriate to the member's assignment in one of the following organizational positions as:

- Deputy or principal assistant to the chief of section or director of a program
- Special assistant to the chief of mission

- Principal officer of a consular post
- Deputy or principal assistant to such principal officer
- Chief or director of a major section or program activity at a consular post; deputy or principal assistant to such chief or director
- When assigned to an organizational position which requires the performance of statutory consular duties or functions.

NOTE: In no instance, however, will a non-commissioned officer be authorized a commissioned title.

3 FAH-1 H-2435.2 Titles in Functional Positions

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. A member of the Service who is not assigned to one of the organizational positions listed in 3 FAH-1 H-2435.1, may be deemed to require a diplomatic or consular title, or both, as may be appropriate to assignment in a functional position:
 - (1) When the principal duty under the position to which a member is assigned requires the implementation of one or more diplomatic or consular functions; and
 - (2) When the effective performance of such duty requires a close and consistent pattern of relations with officials of the national government or of other foreign missions, or in the case of a consular officer, with senior officials of the government within the consular district. The chief of mission or principal officer of a consular office should communicate the justification to the Department for decision.
- b. A member of the Service who does not meet the criteria of 3 FAH-1 H-2435.2 paragraph a may be deemed, nevertheless, to require a diplomatic or consular title, or both, as may be appropriate to the member's assignment, where a denial thereof would impair the effective performance of one's duties and of the diplomatic or consular functions of the Foreign Service post concerned. The determination of the chief of mission or principal officer of a consular office in light of the conditions at post should be communicated to the Department with appropriate justification for decision. In no instance, however, will a non-

commissioned officer be authorized a commissioned title.

- c. In the event the chief of mission or principal officer of a consular office is unable to make the determination called for in 3 FAH-1 H-2435.2 paragraphs a and b before the arrival of the member concerned at post, the grant of authority to use the title will be deferred pending reassessment of the conditions after the member has reported for duty.
- d. When a member is assigned as a position replacement for another who used a title, which had been authorized by the Department, in that position, the presumption is that the requirements of the position continue to satisfy the criteria for the need of a title, but not necessarily the same one used by the member's predecessor. Such presumption will form the basis for the Department's grant of a title and the authority to use it, consistent with law and Department policy.

3 FAH-1 H-2436 GRANT AND USE OF DIPLOMATIC AND CONSULAR TITLES

3 FAH-1 H-2436.1 Procedures

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

All individuals, regardless of their parent agency, do not have and should not use a diplomatic or a consular title unless the Department has authorized one as follows:

Department of State Human Resources	The Assignment Notification and Personnel Assignment Travel Authorization cable will indicate the title or titles authorized.
USAID, BBG/ Commerce/FCS, Agriculture/FAS	Authorization is by Form DS-1474, Request for Diplomatic or Consular Title, which is prepared by the personnel office of the parent agency and submitted to the Department for consideration. If a title is approved, a telegram is sent to the embassy personnel office, indicating the title and its effective date.
Military Attachés and Personnel of Other	Titles are authorized by Department telegrams

U.S. Government Agencies	
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3 FAH-1 H-2436.2 Diplomatic Titles

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

A member of the Service deemed to require a diplomatic title may be authorized to use a secretarial title under that member's appointment commission, or an attaché title, whichever is appropriate, depending on custom, usage, local conditions, and status as a commissioned or non-commissioned officer. A member of the Service who does not have an appointment commission and for whom a secretarial title is appropriate may be recommended for such commission.

3 FAH-1 H-2436.2-1 Secretary

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Secretarial titles may be granted on the basis of class rank as follows:

- Contingent upon being commissioned in the Diplomatic Service of the USA, a Senior Foreign Service officer (or SFS career candidate) and a Foreign Service officer (or FSO career candidate) of class 1 or 2 may be designated a first secretary; a Foreign Service officer (or FSO career candidate) of class 3 or 4 may be designated a second secretary; and a Foreign Service officer (or FSO career candidate) of class 5 or 6 may be designated a third secretary

3 FAH-1 H-2436.2-2 Attaché and Assistant Attaché

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Attaché titles may be granted on the basis of class rank.

A. Officers in the Foreign Service

The title of attaché may be accorded to Senior Foreign Service officers (or SFS career candidates), to Foreign Service officers (or FSO career candidates), and other members of the Service at classes 1 through 4. The title of assistant attaché may be accorded to Foreign Service officers (or FSO career candidates) and other members of the Service at classes 5 through 7.

B. Officers Not in the Foreign Service

The title of attaché or assistant attaché may be accorded to officers of U.S. Government Departments or Agencies who are not members of the Service, and who are assigned to serve at diplomatic missions under the U.S. Department of State's agreement with the parent agency. Officers are authorized to use such titles only after mission's receipt of the Department's formal notification of approval. The title is conferred on an officer only for use in the position to which it pertains at post of assignment. The officer will lose the title upon termination of assignment to the position and the mission.

3 FAH-1 H-2436.3 Consular Titles

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The consular title of a member of the Service deemed to require such a title will be specified in the member's consular assignment commission if one is required by the host government or by State cable. A member's consular title will equate, normally, with the member's class, but the nature of a particular assignment may require a higher or lower title than that to which a member would otherwise be eligible by virtue of the member's grade or class (e.g., a country does not recognize the title of Second Secretary-Vice Consul, so a consul title is authorized). The conferral of a higher consular title does not signify reward nor does that of a lower title reflect discredit upon a member. As a matter of policy, the Department will not lower a member's consular title during the course of an assignment. Subject to the needs of the Service, consular titles may be accorded.

3 FAH-1 H-2436.3-1 Consul General

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The title of consul general may be accorded to:

- (1) A member of the Service, regardless of class, at a diplomatic mission, who is either the supervisory consular officer or chief of the consular section, if the position level is class 1 or above; or
- (2) A member of the Service, regardless of class, who is principal officer at a consulate general, if the position level is class 1 or above.

3 FAH-1 H-2436.3-2 Consul

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The title of consul may be accorded to:

- (1) Senior Foreign Service officers (and SFS Career Candidates);
- (2) Foreign Service officers and other members of the Foreign Service in classes 1 through 3; and
- (3) Foreign Service officers and other members of the Foreign Service in class 4 when assigned as principal officers at consular posts.

3 FAH-1 H-2436.3-3 Vice Consul

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The title of vice consul may be accorded to:

- For Foreign Service officers and other members of the Service in classes 4 through 6, the title is limited to the duration of the assignment

3 FAH-1 H-2437 DIPLOMATIC LISTING

3 FAH-1 H-2437.1 Policy

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The size of a diplomatic list may vary from post to post depending on a number of variable factors including the local requirements of the host government. Thus, not everyone authorized to use a diplomatic title at a mission is thereby assured of a place on the diplomatic list. As a matter of policy, the best interest of the United States is reflected by a list that is limited to the needs of the mission. Such needs include a fair and equitable representation of all sections and agencies at the post consistent with local conditions and circumstances.

3 FAH-1 H-2437.2 Responsibility

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The chief of mission is responsible for the composition and control of the list of names submitted to the authorities of the host government for inclusion in its diplomatic list.

3 FAH-1 H-2437.3 Criteria

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. Every member of the Service and every non-Foreign Service civilian officer serving at a diplomatic mission and authorized by the Department to use a diplomatic title shall be considered for a place on a diplomatic list to be submitted to the host government.
- b. Every member of the Armed Forces serving at a diplomatic mission as a military attaché, assistant military attaché, or as a member of a military assistance group or mission under an agreement which accords the officer full diplomatic status, shall be considered for a place on the diplomatic list.
- c. In preparing the list of names for submission to the host government, the Chief of Mission (CM) shall select from among the officers under

consideration for diplomatic listing those for whom the CM determines listing is necessary for the effective performance of their functions. When, however, the CM decides it would be in the best interest of the U.S. Government to reduce the size of such list or when local conditions and circumstances require reduction, the CM may do so either on the basis of rank and/or function or under such other criteria as deemed just and proper. After its modification, such list must reflect a fair and equitable representation of all sections and agencies at the mission consistent with its needs.

3 FAH-1 H-2437.4 Precedence

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

The order of precedence on the lists submitted to the host governments for inclusion in their diplomatic lists must be governed by the provisions of 2 FAM 300.

3 FAH-1 H-2438 EXCEPTIONS AND CHANGES OF TITLES

3 FAH-1 H-2438.1 Exceptions

3 FAH-1 H-2438.1-1 Financial Inequities

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Requests for issuance of diplomatic titles for administrative and technical staff (A&T) to alleviate substantial financial inequities must meet the following criteria:

- (1) The title arrangement is transparent, with the host government concurring in the grant of titles to administrative and technical staff (A&T) under these prescribed four conditions, and embodied in writing;
- (2) The Department prospectively waives the diplomatic-agent level of

civil immunity for non-official acts prescribed under Article 31 of the Vienna Convention on Diplomatic Relations (VCDR) (resulting in A&T level civil immunity for official acts only and no civil immunity for dependents as prescribed under Article 37 of the VCDR), and the A&T staff and dependents would be instructed not to invoke the diplomatic-agent level of "in transit" inviolability and immunity provided under VCDR Article 40;

- (3) The post does not include the A&T staff in the published diplomatic listing (Blue Book equivalent) in the host country; and
- (4) The host government accepts that there would not be a reciprocal recognition of diplomatic titles for their A&T staff in the United States, only a reciprocal grant of tax and customs privileges to their A&T staff notified at their bilateral mission (or dually accredited to a bilateral and multilateral mission).

3 FAH-1 H-2438.1-2 Security Reasons

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Requests for issuance of diplomatic titles for Administrative and Technical staff (A&T) abroad for security reasons, such as the refusal of the host State to respect the inviolability and criminal immunity granted under the VCDR to A&T staff must meet the following criteria:

- (1) There exists no alternative in host State law or practice for assuring the inviolability and criminal immunity of our A&T staff granted to them under the VCDR;
- (2) The host State consents to the grant of titles or accepts titles for A&T staff under its existing practices;
- (3) The Department waives in advance or at the time of suit the diplomatic-agent level of civil immunity for non-official acts prescribed under Article 31 of the VCDR (resulting in A&T level civil immunity for official acts only, and no civil immunity for dependents, as prescribed under Article 37 of the VCDR.) The A&T staff and dependents would be instructed not to invoke the diplomatic-agent level of "in transit" inviolability and immunity provided under VCDR Article 40;
- (4) Acceptance of titles for host State's A&T staff in the United States

will be reviewed on a case-by-case basis and will be permitted only if necessary to assure acceptance of diplomatic titles for our A&T staff abroad.

3 FAH-1 H-2438.2 Change of Titles

(CT:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

Foreign Service posts may recommend to the Department the granting or changing of diplomatic or consular titles, but they have no authority to grant or change any titles other than functional or organizational titles established for local use.

3 FAH-1 H-2439 USE OF TITLES UPON RETIREMENT

(TL:POH-120; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service employees and Civil Service employees of non-foreign affairs agencies abroad)

- a. A career member of the Senior Foreign Service who has attained under the Foreign Service Act of 1980 the personal rank of career ambassador, or the class of career minister, minister-counselor, or counselor, appointed by the President, by and with the advice and consent of the Senate, may use the following titles, as appropriate, upon retirement:
 - Career Ambassador of the Foreign Service of the United States of America, Retired
 - Career Minister of the Foreign Service of the United States of America, Retired
 - Minister-Counselor of the Foreign Service of the United States of America, Retired
 - Counselor of the Foreign Service of the United States of America, Retired.
- b. An individual who has served as an Ambassador, appointed by the President, by and with the advice and consent of the Senate, may use the

title of ambassador, as appropriate, upon retirement:

- U.S. Ambassador, Retired
 - Ambassador-at-Large of the United States, Retired
- c. A member of the Service who attained under the Foreign Service Act of 1946, as amended, the rank of career ambassador, career minister, or career minister for information, appointed by the President, by and with the advice and consent of the Senate, may use the following titles, as appropriate, upon retirement:
- Career Ambassador of the United States of America, Retired
 - Career Minister of the United States of America, Retired
 - Career Minister for Information of the United States of America, Retired
- d. Upon retirement, a member of the Service is authorized to retain and use one of the following titles to which the member is entitled:
- Foreign Service Officer of the United States of America, Retired
 - Foreign Service Information Officer of the United States of America, Retired
 - Consul General of the United States of America, Retired
 - Consul of the United States of America, Retired

3 FAH-1 EXHIBIT 2439

(CT:POH-120; 10-20-2005)

A. PRIVILEGES AND IMMUNITIES OF DIPLOMATIC AGENTS OR ADMINISTRATIVE AND TECHNICAL STAFF

This exhibit is intended to assist agencies in accreditation of personnel stationed abroad and in requesting diplomatic status if appropriate. For further assistance, please contact the Title and Rank Officer in HR/CDA/SL/PAS/T&R.

NOTE: Diplomatic and consular privileges and immunities are held by the United States, not by the individual, and can be waived only by the United States.

DIPLOMATIC STAFF

JUSTIFICATION

In order for a position to carry diplomatic status and an employee to be considered a diplomatic agent three broad principles must be met:

- The position must be under chief of mission (CM) authority
- The position is assigned to the Embassy with the incumbent working out of the Embassy or an Embassy annex
- There is a clear justification of work-related need with specific examples of how a lack of title would result in an inability to perform essential duties

REQUESTS

If the above criteria are met, the agency should submit a request for title to the Title and Rank Officer in HR/CDA/SL/PAS/T&R as follows:

- Foreign Affairs Agencies covered by the FS Act of 1980 should submit a completed Form DS-1474, Request for Diplomatic or Consular Title. If the position has carried status in the past, the

name of the present incumbent is required. If the position is new, a copy of the National Security Decision Directives (NSDD) 38 approval with a justification of work-related need is required. This justification must specifically identify why a lack of diplomatic title would impede work performance

- Non-Foreign Affairs Agencies submit a memorandum to include, the position, candidate's name, grade, clearance level, estimated date of arrival and name of predecessor. If a new position, a copy of the NSDD 38 approval with a justification of work-related need is required. This justification must specifically identify why a lack of diplomatic title would impede work performance

NOTIFICATION TO POST/AGENCY

Notification of titles for State Department employees is included in official travel orders. For all other agencies, posts are notified via cable

PRIVILEGES & IMMUNITIES

For personnel authorized diplomatic title at an Embassy, the United States obtains:

- Complete personal inviolability
- Complete immunity from criminal jurisdiction
- Residence and property inviolability
- Immunity from civil suit except for (a) real property transactions not conducted on behalf of the Embassy, (b) any role they play as executor for or heir to an estate being distributed in the host country, (c) commercial or professional duties performed outside the scope of their official duties, and (d) counterclaims on the same subject matter when they have been the initiating party in a suit.
- Complete immunity from the obligation to provide evidence as witnesses

Family members forming part of the household, other than nationals of the receiving state, enjoy the same privileges and immunities as the diplomatic agent.

ADMINISTRATIVE AND TECHNICAL STAFF (A&T)

DIRECT-HIRE EMPLOYEES

If an individual is a direct-hire employee assigned to an embassy and under Chief of Mission authority and does not meet the criteria to be notified as a diplomatic or consular agent, he/she would generally be notified as a member of the administrative and technical staff. These personnel perform duties that are critical to the internal operations of the embassy.

JUSTIFICATION

In order for a position to carry A&T status and an employee to be considered part of the A&T staff, the following conditions normally apply:

- The position must be under chief of mission authority
- The position is assigned to the Embassy with the incumbent working out of the Embassy or an Embassy annex
- The duties of the position support the internal functions of the Embassy
- The individual does not enjoy privileges and immunities under an existing bilateral status agreement (e.g., Bilateral Agreement on Status of Development Assistance Personnel). If covered under an agreement, they don't need to be notified—they have "equivalent" status.

REQUESTS

There is no formal process for requesting A&T status for direct-hires.

NOTIFICATION

Notification is normally sent to the host government by the embassy in a diplomatic note upon arrival of the employee. Embassies typically notify individuals to the host government as part of the in-processing formalities to obtain host government identity cards, residence visa, import of household effects, etc.

PRIVILEGES & IMMUNITIES

If not nationals or permanently resident in the host state:

- Complete personal inviolability and immunity from criminal jurisdiction

- Residence and property inviolability
- Immunity from the obligation to provide evidence as witnesses
- Civil immunity only in connection with the performance of their official duties (official acts immunity)

Family members forming part of the household (and not nationals or permanently resident in the host state) enjoy same privileges and immunities except no immunity from civil jurisdiction.

B. PRIVILEGES AND IMMUNITIES OF CONSULAR OFFICERS OR CONSULAR EMPLOYEES AT CONSULAR POSTS

CONSULAR OFFICER

JUSTIFICATION

In order for a consular title to be considered for a position, the following criteria must be met:

- There must be a expectation of performance of consular duties
- One must have completed the Basic Consular Course at FSI which is an approximately 30-day course within the past 5 years or have been actively performing consular duties during his/her last tour
- One must hold a Presidential commission as a Consular Officer of the United States of American or be authorized a Vice Consul commission by the Secretary of State. Both are processed through HR/CDA/SL/PAS/T&R
- One must be an employee of one of the Foreign Affairs Agencies (State, Foreign Commercial Service, Foreign Agricultural Service, or AID to be authorized a consular title
- One must be assigned to and working out of a consular post or be performing consular work at the Embassy

REQUESTS

If the above criteria are met, the Foreign Affairs agency's Washington office

would submit a request to the Title and Rank office in HR/CDA/SL/PAS as follows:

- Form DS-1474, Request for Diplomatic or Consular Title, indicating the name, grade, post of assignment, name of present incumbent, estimated time of arrival, dates of consular training, and dates of commissioning
- If a new position, the NSDD 38 approval for the position must be attached to the request

NOTIFICATION TO POST/AGENCY

Notification of titles for State Department employees is included in official travel orders. For all other Foreign Affairs agencies, posts are notified via cable.

PRIVILEGES & IMMUNITIES OF CONSULAR OFFICERS AT CONSULAR POSTS (PURSUANT TO THE VIENNA CONVENTION ON CONSULAR RELATIONS AND WITHOUT REGARD TO BILATERAL TREATIES)

- Official acts immunity only in respect to both criminal and civil matters, and no immunity for vehicular accidents
- No immunity for residence and personal property
- Limited personal inviolability: may be arrested pending trial if the offense is a "grave crime" and the arrest is made pursuant to a decision by a competent judicial authority
- Subject to prosecution for misdemeanors, but not subject to arrest or detention except for grave crimes
- Not obliged to provide evidence as witnesses in connection with matters involving their official duties or to produce official documents

NOTE: Family members have no immunity or inviolability.

CONSULAR EMPLOYEE

Consular employees are those assigned to a consular post who have neither the training nor the commissioning to be authorized a consular title, and there is no expectation of such duties being performed based on the position to which they are assigned. Non-foreign affairs agency personnel fall into this category of personnel.

NOTIFICATION TO POST/AGENCY

Notification is normally sent to the host government by the embassy in a diplomatic note upon arrival of the employee.

PRIVILEGES & IMMUNITIES AT CONSULAR POSTS

- Official acts immunity only in respect to both criminal and civil matters
- No personal inviolability
- No immunity for residence or personal property
- Not obliged to provide evidence as witness in connection with matters involving their official duties or to produce official documents
- No immunity or inviolability for family members

C. CONTRACTORS

For information regarding notification of contractors, see 2FAM 221.

D. EXCEPTIONS

Occasionally there may be an urgent need to notify and request accreditation of personnel who do not meet the above criteria. A decision to do so must be made by the Under Secretary of State for Management or his/her designee. Such a request normally requires a stipulation by the United States to the host government that the United States will not reciprocate for employees of the host government in the United States. The host government may or may not accede to the request.